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Programme of activities of the International Decade of the World's Indigenous People

Report of the Third Committee

Rapporteur: Ms. Oksana **Boiko** (Ukraine)

I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled "Programme of activities of the International Decade of the World's Indigenous People" and to allocate it to the Third Committee.

2. The Committee considered the item at its 22nd to 24th, 28th, 31st and 55th meetings, on 17, 21, 23, 28 and 31 October and 20 November 2002. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.22-24, 28, 31 and 55).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (A/57/296);

(b) Report of the Secretary-General on the implementation of the programme of activities of the International Decade of the World's Indigenous People (A/57/395).

4. At the 22nd meeting, on 17 October, the Director of the New York office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/57/SR.22).

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II. Consideration of proposals

A. Draft resolution A/C.3/57/L.7

5. By its resolution 2002/28 of 25 July 2002, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Permanent Forum on Indigenous Issues". The draft resolution was reproduced in document A/C.3/57/L.7.

6. At its 31st meeting, on 31 October, the Committee had before it a statement of the programme budget implications of draft resolution A/C.3/57/L.7, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/57/L.26).

7. At the same meeting, the Committee adopted draft resolution A/C.3/57/L.7 without a vote (see para. 16, draft resolution I).

8. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Japan (see A/C.3/57/SR.31).

B. Draft resolution A/C.3/57/L.27

9. At the 28th meeting, on 28 October, the representative of Norway, on behalf of Armenia, Australia, Austria, Belgium, Belize, Bolivia, Brazil, Canada, Chile, China, Costa Rica, Croatia, Cyprus, Denmark, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, El Salvador, Finland, Germany, Greece, Guatemala, Guyana, Iceland, Ireland, Italy, Luxembourg, Mexico, the Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, Portugal, the Russian Federation, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Venezuela, introduced a draft resolution entitled "International Decade of the World's Indigenous People" (A/C.3/57/L.27). Subsequently, Antigua and Barbuda, Burkina Faso, Estonia, France, Liberia, Paraguay, Senegal, Suriname, Switzerland and Uruguay joined in sponsoring the draft resolution.

10. At its 31st meeting, on 31 October, the Committee adopted draft resolution A/C.3/57/L.27 without a vote (see para. 16, draft resolution II).

C. Draft resolution A/C.3/57/L.29 and Rev.1

11. At the 31st meeting, on 31 October, the representative of Suriname, on behalf of Antigua and Barbuda, Belize, Cyprus, Dominica, Greece, Grenada, Haiti, Saint Kitts and Nevis, Saint Vincent and the Grenadines and Suriname, introduced a draft resolution entitled "Indigenous people and issues" (A/C.3/57/L.29), which read:

> "*The General Assembly*,
>
> "*Recalling* Economic and Social Council resolution 2000/22 of 28 July 2000, in which the Council established the Permanent Forum on Indigenous Issues,

"*Recalling also* its resolution 56/140 of 19 December 2001 on the International Decade of the World's Indigenous People, in which it welcomed Economic and Social Council decision 2001/316 of 26 July 2001 concerning the Permanent Forum,

"*Taking note* of the report of the Permanent Forum on its first session, held at United Nations Headquarters in New York from 13 to 24 May 2002,

"*Bearing in mind* the special nature of the Permanent Forum as a global focal point for promoting cooperation among States and indigenous peoples, in particular, with regard to the implementation of international policies, commitments and action plans on indigenous peoples and sustainable development,

"1. *Invites* the Secretary-General to establish, within the framework of the secretariat of the Permanent Forum on Indigenous Issues to be established in accordance with General Assembly resolution 57/___, the post of Special Adviser, in order, inter alia, to provide independent advice and substantive assistance to the secretariat in carrying out its mandate in a successful and fruitful manner;

"2. *Looks forward* to the appointment of a qualified person of high standards, integrity and independence, who would work pro bono and whose appointment would thus have no financial implications for the regular budget of the United Nations, and who is also very familiar with the United Nations system, has over a decade of experience with and significant knowledge of indigenous issues and has previously served as an expert in this respect."

12. At its 55th meeting, on 20 November, the Committee had before it a revised draft resolution entitled "Indigenous people and issues" (A/C.3/57/L.29/Rev.1), submitted by the sponsors of draft resolution A/C.3/57/L.29 and the Bahamas, Benin, Burkina Faso, Cambodia, China, Guyana, Pakistan and Timor-Leste. Subsequently, Jamaica joined in sponsoring the draft resolution.

13. At the same meeting, the Committee adopted draft resolution A/C.3/57/L.29/Rev.1 without a vote (see para. 16, draft resolution III).

14. Before the adoption of the draft resolution, a statement was made by the representative of Dominica (see A/C.3/57/SR.55).

D. Draft decision proposed by the Chairman

15. At its 55th meeting, on 20 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (A/57/296) (see para. 17).

III. Recommendations of the Third Committee

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Permanent Forum on Indigenous Issues

The General Assembly,

Recalling Economic and Social Council resolution 2000/22 of 28 July 2000, in which the Council established the Permanent Forum on Indigenous Issues, as well as Council decision 2001/316 of 26 July 2001 concerning the election/appointment of the sixteen members of the Forum and other organizational matters,

Recalling also its resolution 56/140 of 19 December 2001 on the International Decade of the World's Indigenous People, in which it welcomed Council decision 2001/316,

Saluting the successful holding of the historic first annual session of the Forum at United Nations Headquarters in New York from 13 to 24 May 2002,

Having considered the report of the Forum on its first session,[1]

Wishing to strengthen, within the mandate of the Council, the interactive dialogue and partnership between the Forum and Governments, specialized agencies, funds and programmes of the United Nations system, other relevant international and regional organizations, indigenous people and indigenous peoples, as well as civil society at large,

Welcoming the creation of the Inter-Agency Support Group for the Forum,

Underlining the importance of securing adequate financial and secretariat support for the activities of the Forum, while reaffirming that the financing of the Forum shall be provided from within existing resources through the regular budget of the United Nations and its specialized agencies, funds and programmes and through such voluntary contributions as may be donated,

Recalling the decision of the Council taken in paragraph 8 of its resolution 2000/22 to conduct a review, without prejudging any outcome, of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness, and the decision of the Council to hold the review as soon as possible and not later than its substantive session of 2003, as stipulated in its decision 2001/316,

1. *Requests* the Secretary-General, in connection with draft decisions I to IV recommended by the Permanent Forum on Indigenous Issues at its first session for adoption by the Economic and Social Council:[1]

(*a*) To appoint a secretariat unit, in accordance with the budget procedures established by the General Assembly in its resolution 41/213 of 19 December 1986, within the Department of Economic and Social Affairs of the Secretariat, to assist the Forum in carrying out its mandate, as defined in paragraph 2 of Council resolution 2000/22;

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[1] E/2002/43 (Parts I and II)-E/CN.19/2002/3 (Parts I and II). For the final text, see *Official Records of the Economic and Social Council, 2002, Supplement No. 23*.

(*b*) To establish a voluntary fund for the Forum for the purpose of funding the implementation of recommendations made by the Forum through the Council, in line with paragraph 2 (*a*) of Council resolution 2000/22, as well as funding activities under its mandate, as defined in paragraphs 2 (*b*) and (*c*) of the same resolution;

2. *Encourages* the submission of applications of indigenous persons to the Secretariat and invites the Secretary-General to give broad publicity to vacancies, when available;

3. *Invites* the organizations and bodies of the United Nations system, including the Inter-Agency Support Group for the Forum, other relevant international and regional organizations and bodies and indigenous people and indigenous peoples to assist the Forum in carrying out its mandate as enumerated in paragraph 2 of Council resolution 2000/22, including through the provision of staff;

4. *Urges* Governments, financial institutions and other intergovernmental and non-governmental organizations to consider contributing to the voluntary fund for the Forum to be established by the Secretary-General;

5. *Takes note with interest* of the proposals, objectives, recommendations and areas of possible future action identified by the Forum in its report on its first session,[1] and invites States, organizations of the United Nations system, other relevant international and regional organizations, and indigenous people and indigenous peoples to take them into consideration and, where they so decide, to take action;

6. *Decides* to authorize an exceptional three-day pre-sessional meeting of the members of the Forum from 7 to 9 May 2003.

Draft resolution II
International Decade of the World's Indigenous People

The General Assembly,

Recalling its resolution 56/140 of 19 December 2001 and previous resolutions on the International Decade of the World's Indigenous People,

Recalling also its resolution 40/131 of 13 December 1985, by which it established the United Nations Voluntary Fund for Indigenous Populations,

Recalling that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Welcoming, in this respect, the contributions made through the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, to the realization of the goals of the Decade,

Welcoming also, in this respect, the concluding documents from the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002,

Saluting the successful holding of the historic first annual session of the Permanent Forum on Indigenous Issues at United Nations Headquarters in New York from 13 to 24 May 2002,

Welcoming the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people,[2] submitted to the Commission on Human Rights at its fifty-eighth session, pursuant to Commission resolution 2001/57, of 24 April 2001,[3]

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the International Decade of the World's Indigenous People,[4] the need for adequate financial support from the international community, including support from within the United Nations system, and the need for adequate coordination and communication channels,

Urging all parties to continue to use their best efforts to achieve the goals of the Decade,

1. *Takes note* of the report of the Secretary-General on the implementation of the programme of activities of the International Decade of the World's Indigenous People;[5]

2. *Affirms its conviction* of the value and diversity of the cultures and forms of social organization of indigenous people and its conviction that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world;

3. *Emphasizes* the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems;

4. *Requests* the United Nations High Commissioner for Human Rights, as coordinator for the Decade:

(*a*) To continue to promote the objectives of the Decade, taking into account, in the fulfilment of his functions, the special concerns of indigenous people;

(*b*) To give due regard to the dissemination, from within existing resources and voluntary contributions, of information on the situation, cultures, languages, rights and aspirations of indigenous people and, in that context, to consider the possibility of organizing projects, special events, exhibitions and other activities addressed to the public, in particular to young people;

(*c*) To submit, through the Secretary-General, an annual report to the General Assembly on the implementation of the programme of activities of the Decade;

5. *Reaffirms* the adoption of a declaration on the rights of indigenous people as a major objective of the Decade, and underlines the importance of effective participation by indigenous representatives in the open-ended intersessional working group of the Commission on Human Rights charged with developing a draft

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[2] E/CN.4/2002/97.

[3] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[4] Resolution 50/157, annex.

[5] A/57/395.

declaration on the rights of indigenous people, established pursuant to Commission resolution 1995/32 of 3 March 1995;[6]

6. *Welcomes* Economic and Social Council resolution 2002/28 of 25 July 2002 concerning the Permanent Forum on Indigenous Issues;

7. *Encourages* Governments to support the Decade by:

(*a*) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(*b*) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters that affect them;

(*c*) Establishing national committees or other mechanisms involving indigenous people to ensure that the objective and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(*d*) Contributing to the United Nations Trust Fund for the International Decade of the World's Indigenous People;

(*e*) Contributing, together with other donors, to the United Nations Voluntary Fund for Indigenous Populations in order to assist indigenous representatives in participating in the Permanent Forum on Indigenous Issues, the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights and the open-ended intersessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people;

(*f*) Considering contributing, as appropriate, to the Fund for the Development of Indigenous Peoples in Latin America and the Caribbean, in support of the goals of the Decade;

(*g*) Identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people and intergovernmental and non-governmental organizations;

8. *Invites* United Nations financial and development institutions, operational programmes and the specialized agencies and secretariats, as well as other regional and international organizations, in accordance with the existing procedures of their governing bodies:

(*a*) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries, inter alia, through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(*b*) To launch special projects, through appropriate channels and in cooperation with indigenous people, to strengthen their community-level initiatives and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

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[6] See *Official Records of the Economic and Social Council, 1995, Supplement No. 3* and corrigenda (E/1995/23 and Corr.1 and 2), chap. II, sect. A.

(*c*) To designate focal points for the coordination of activities related to the Decade with the Office of the United Nations High Commissioner for Human Rights;

and commends those institutions, programmes, agencies and regional and international organizations that have already done so;

9. *Appeals* to all Governments and organizations to consider contributing to the United Nations Voluntary Fund for Indigenous Populations, if possible with a substantial increase in the level of contributions;

10. *Recommends* that the Secretary-General ensure coordinated follow-up to the recommendations concerning indigenous people of all relevant United Nations conferences;

11. *Requests* the United Nations High Commissioner for Human Rights to submit, through the Secretary-General, a report on the implementation of the programme of activities for the Decade to the General Assembly at its fifty-eighth session;

12. *Decides* to include in the provisional agenda of its fifty-eighth session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

Draft resolution III
Indigenous people and issues

The General Assembly,

Recalling Economic and Social Council resolution 2000/22 of 28 July 2000, in which the Council established the Permanent Forum on Indigenous Issues,

Recalling also its resolution 56/140 of 19 December 2001 on the International Decade of the World's Indigenous People, in which it welcomed Economic and Social Council decision 2001/316 of 26 July 2001 concerning the Forum,

Taking note of the report of the Forum on its first session, held at United Nations Headquarters in New York from 13 to 24 May 2002,[7]

Recalling that the Forum shall serve as an advisory body to the Economic and Social Council, with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights,

Taking note of Economic and Social Council resolution 2002/28 of 25 July 2002,

Wishing to strengthen, within the mandate of the Economic and Social Council, the interactive dialogue and partnership between the Forum and Governments, specialized agencies, funds and programmes of the United Nations system, other relevant international and regional organizations, indigenous people and indigenous peoples, as well as civil society at large,

[7] E/2002/43 (Parts I and II)-E/CN.19/2002/3 (Parts I and II). For the final text, see *Official Records of the Economic and Social Council, 2002, Supplement No. 23*.

Invites the Secretary-General, on the basis of recommendations made by the Permanent Forum on Indigenous Issues through the Economic and Social Council, to consider providing advice to the General Assembly on the need to identify further ways to assist the Forum in carrying out its mandate in a successful and fruitful manner, including the possibility of seeking the views of adviser(s).

* * *

17. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Document considered by the General Assembly in connection with the question of the programme of activities of the International Decade of the World's Indigenous People

The General Assembly takes note of the report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations.[8]

[8] A/57/296.

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Elimination of racism and racial discrimination

Report of the Third Committee

Rapporteur: Ms. Oksana **Boiko** (Ukraine)

I. Introduction

1. At its 19th plenary meeting, on 20 September 2002, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-seventh session the item entitled:

"Elimination of racism and racial discrimination:

"(a) Elimination of racism and racial discrimination;

"(b) Comprehensive implementation of and follow up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 24th to 29th, 31st, 36th, 40th and 60th meetings, on 23, 24, 28, 29 and 31 October and on 5, 7 and 25 November 2002. At its 24th to 29th meetings, the Committee held a general discussion on item 107 jointly with item 108, entitled "Right of peoples to self-determination". An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.24-29, 31, 36, 40 and 60).

3. For its consideration of the item, the Committee had before it the following documents:

Item 107
Elimination of racism and racial discrimination

Relevant section of the report of the Economic and Social Council for 2002[1]

[1] See A/57/3 (Part II); for the final text, see *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 3* (A/57/3/Rev.1).

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Item 107 (a)
Elimination of racism and racial discrimination

Report of the Committee on the Elimination of Racial Discrimination on its sixtieth and sixty-first sessions[2]

Report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/57/83-E/2002/72)

Report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination (A/57/333)

Report of the Secretary-General on the status of the International Convention on the Elimination of All Forms of Racial Discrimination (A/57/334)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/57/204)

Letter dated 24 October 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the Secretary-General (A/C.3/57/6)

Item 107 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General transmitting the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/57/443)

Letter dated 23 September 2002 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General, transmitting the Ministerial Declaration adopted at the twenty-sixth meeting of the Ministers for Foreign Affairs of the Group of 77, held in New York on 19 September 2002 (A/57/444)

4. At the 24th meeting, on 23 October, the Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/57/SR.24).

5. At the same meeting, the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance made an introductory statement under sub-item (a) (see A/C.3/57/SR.24).

6. Also at the 24th meeting, the Committee engaged in a dialogue with the above-mentioned speakers, in which the representatives of Denmark and Cuba took part (see A/C.3/57/SR.24).

[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18).

II. Consideration of proposals

A. Draft resolution A/C.3/57/L.32

7. At the 31st meeting, on 31 October, the representative of Slovenia, on behalf of Andorra, Argentina, Austria, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Monaco, Mongolia, Namibia, the Netherlands, New Zealand, Norway, Pakistan, Panama, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Suriname, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "International Convention on the Elimination of All Forms of Racial Discrimination" (A/C.3/57/L.32). Subsequently, Albania, Armenia, China, Ecuador, El Salvador, Japan, Liberia, Malta and Nicaragua joined in sponsoring the draft resolution.

8. At the 40th meeting, on 7 November, the Secretary read out a statement by the Director of the Programme Planning and Budget Division of the Office of Programme Planning, Budget and Accounts pertaining to the draft resolution (see A/C.3/57/SR.40).

9. At the same meeting, the Committee voted on operative paragraph 10 of section I of the draft resolution. The paragraph was retained by a recorded vote of 154 to 2, with 2 abstentions. The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland,

United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Kuwait, Marshall Islands.

10. Before the vote on the paragraph, statements were made by the representatives of Slovenia and Belgium; after the vote, the representative of the United States of America made a statement (see A/C.3/57/SR.40).

11. Also at the 40th meeting, the Committee adopted draft resolution A/C.3/57/L.32, as a whole, without a vote (see para. 18, draft resolution I).

B. Draft resolution A/C.3/57/L.34

12. At the 36th meeting, on 5 November, the representative of Venezuela, on behalf of the States Members of the United Nations that are members of the Group of 77 and China, introduced a draft resolution entitled "Comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance" (A/C.3/57/L.34), which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and all other resolutions on this matter,

"*Recalling also* its resolution 56/266 of 27 March 2002 which, in particular, endorsed the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001, as constituting a solid foundation for further action and initiatives towards the total elimination of all the scourges of racism,

"*Recalling further* its resolutions 56/265 and 56/267, of 27 March 2002, entitled 'Third Decade to Combat Racism and Racial Discrimination' and 'Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance', respectively,

"*Welcoming* with appreciation Commission on Human Rights resolution 2002/68 of 25 April 2002, subsequently endorsed by Economic and Social Council resolution 2002/270 of 25 July 2002, entitled 'Racism, racial discrimination, xenophobia and related intolerance', and also endorsing all the mechanisms envisaged in this resolution for the effective implementation of the Durban Declaration and Programme of Action,

"*Welcoming also* the report of the Secretary-General on the implementation of the programme of action for the Third Decade to Combat Racism and Racial Discrimination and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

"*Welcoming further* the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by the former Special Rapporteur of the Commission on Human Rights,

"*Reaffirming* its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination, and its conviction that racism and racial discrimination, in all their forms and manifestations, constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

"*Reaffirming also* its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

"*Stressing* the need to maintain continued political will and momentum at the national, regional and international levels in order to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

"*Recognizing* that the successful implementation of the Durban Declaration and Programme of Action requires political will and commitment, adequate funding at the national, regional and international levels, and international cooperation,

"*Deeply concerned* that, despite continued efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

"*Particularly alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Reaffirming* general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination concerning article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, which holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention,

"*Reaffirming also* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world,

"*Underlining* the importance of urgently eliminating continued and violent trends of racism, racial discrimination, xenophobia and related intolerance, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and

democracy, tends to encourage the recurrence of such crimes and requires resolute action and co-operation for its eradication,

"*Recognizing* that Governments should implement and enforce appropriate and effective legislation to prevent acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

"*Emphasizing* that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

"*Recalling* the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

"*Acknowledging* that slavery and the slave trade, including the transatlantic slave trade, are among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and recognizing that colonialism has led to racism, racial discrimination, xenophobia and related intolerance,

"*Acknowledging also* that lessons learned from history are vital in averting future tragedies, and taking into account the duty to remember and to promote dialogue and understanding among peoples and cultures,

"*Welcoming* United Nations Educational, Scientific and Cultural Organization resolution 31C/28 of 2 November 2001, entitled 'Proclamation of 2004 as International Year to Commemorate the Struggle against Slavery and its Abolition', a year that will also mark the two-hundredth anniversary of the first State, Haiti, which had been created in the wake of the overthrow of the slave system,

"**I. General**

"1. *Stresses* that the prohibition of racial discrimination is a peremptory norm of international law from which no derogation is permitted;

"2. *Expresses* its profound concern about and its unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations which attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"3. *Reaffirms* that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous, and must be rejected;

"4. *Reaffirms also* that racism and racial discrimination are among the most serious violations of human rights in the contemporary world, and expresses its firm determination and commitment to eradicate, by all available means, racism in all its forms and manifestations;

"5. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"6. *Calls upon* all States resolutely to bring to justice the perpetrators of crimes motivated by racism and xenophobia, and calls upon those that have not yet done so to consider including in their legislation racist and xenophobic motivation as an aggravating factor for the purposes of sentencing;

"7. *Also calls upon* all States to review and revise, where necessary, their immigration laws and policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments;

"8. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments they have undertaken under the Durban Declaration and Programme of Action, in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards on freedom of expression, and taking all necessary measures to guarantee the right to freedom of opinion and expression;

"9. *Condemns also* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

"10. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

"II. International Convention on the Elimination of All Forms of Racial Discrimination

"11. *Urges* States that have not yet done so to accede to or ratify the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency, with a view to universal ratification by the year 2005;

"12. *Also urges* the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;

"13. *Further urges* States parties to withdraw all reservations contrary to the object and purpose of the Convention;

"14. *Invites* States parties to ratify the amendment to article 8 of the Convention on the financing of the Committee on the Elimination of Racial Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

"15. *Urges* all States parties to the Convention to intensify their efforts for the implementation of the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and to article 5 of the Convention;

"16. *Recalls* with interest general recommendation XV (42) of the Committee on the Elimination of Racial Discrimination on article 4 of the Convention, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights and recalled in article 5 of the Convention;

"17. *Welcomes* general recommendation XXVIII adopted on 19 March 2002 by the Committee on the Elimination on Racial Discrimination, emphasizing the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommending measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

"III. Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

"18. *Endorses* Economic and Social Council resolution 2002/270, by which the Council approved Commission on Human Rights resolution 2002/68, and supports the mechanisms provided in the Economic and Social Council resolution for the effective implementation of the Durban Declaration and Programme of Action at the national, regional and international levels;

"19. *Recommends*, in this context, that the following actions be undertaken in order to give further impetus to the process of implementing the commitments contained in the Durban Declaration and Programme of Action:

"(a) That the Intergovernmental Working Group established pursuant to paragraph 7 of Commission on Human Rights resolution 2002/68 convene its inaugural session before the fifty-ninth session of the Commission on Human Rights and should, thereafter, convene annual intersessional meetings aimed at the accomplishment of its mandate;

"(b) That the Working Group referred to above present its initial report to the Commission on Human Rights at its fifty-ninth session;

"(c) That Member States, as well as non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Commissions, national institutions, international financial and development institutions, and specialized agencies, programmes and funds of the United Nations should participate in the proceedings of and collaborate with the Intergovernmental Working Group by providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate;

"20. *Requests* the Secretary-General to appoint, as a matter of priority, the five independent eminent experts, pursuant to paragraph 191 (b) of the

Durban Programme of Action, whose terms of reference have been elaborated in paragraph 11 of Commission on Human Rights resolution 2002/68;

"21. *Welcomes* the nominations by most regional groups of their experts for the Working Group on People of African Descent, and urges the regional groups which have not yet done so to nominate their candidates as a matter of urgency;

"22. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the United Nations High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

"23. *Calls upon* States to contribute generously to the Voluntary Fund established by Economic and Social Council resolution 2002/270 in order to enable the Office of the United Nations High Commissioner for Human Rights to accomplish the objectives of the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, the Working Group on People of African Descent, and the anti-discrimination unit;

"24. *Urges* the Commission on Human Rights to ensure overall coherence in the implementation of the Durban Declaration and Programme of Action and to give guidance to the Office of the United Nations High Commissioner for Human Rights, including its anti-discrimination unit, in their activities and programmes;

"25. *Calls* for close collaboration between the Office of the United Nations High Commissioner for Human Rights, in particular the anti-discrimination unit, and Member States as well as all other relevant stakeholders when initiating activities aimed at the effective implementation of the Durban Declaration and Programme of Action;

"26. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to implement and follow up the Durban Declaration and Programme of Action;

"27. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to take further action with a view to the full implementation of all the recommendations of the Conference and to reflect progress in this regard in their reports;

"28. *Invites* all human rights treaty monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the Durban Declaration and Programme of Action in the discharge of their respective mandates;

"29. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to

combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"30. *Decides* to proclaim 2004 the International Year to Commemorate the Struggle against Slavery and its Abolition, bearing in mind United Nations Educational, Scientific and Cultural Organization resolution 31C/28;

"IV. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, and coordination of activities

"31. *Requests* the Secretary-General to prepare, through the Office of the United Nations High Commissioner for Human Rights, an analytical report on the extent of implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to be submitted to the General Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session;

"32. *Requests* the Commission on Human Rights to undertake, at its fifty-ninth session, a detailed review of the extent of implementation of the Programme of Action for the Third Decade prior to its ending in 2003, based on the findings of the report referred to in the preceding paragraph, and to transmit its recommendations to the General Assembly at its fifty-eighth session;

"33. *Notes* with great concern that, despite many efforts at the international level, the objectives of the Programme of Action of the Third Decade have largely not been achieved;

"34. *Reaffirms* that more concrete efforts at the international level are needed to achieve the objectives of the Programme of Action for the Third Decade;

"35. *Requests* the Secretary-General to assign high priority to the activities of the Programme of Action for the Third Decade and to earmark adequate resources, including from the regular budget, to finance the activities of the Programme of Action;

"36. *Strongly appeals* to all Member States, intergovernmental and non-governmental organizations and individuals in a position to do so to contribute generously to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and, to this end, requests the Secretary-General to continue to undertake appropriate contacts and initiatives to encourage contributions, bearing in mind that the activities of the Third Decade will extend beyond 2003 and will now include the implementation of and follow-up to the Durban Declaration and Programme of Action;

"37. *Calls upon* all Member States, United Nations bodies, specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to contribute fully to the effective implementation of the Programme of Action for the Third Decade;

"V. **Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits**

"38. *Welcomes* the report of the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and expresses its full appreciation for the work carried out by him;

"39. *Endorses* the renewal of the mandate of the Special Rapporteur for three years to ensure that his activities are directed towards the practical implementation of the Durban Declaration and Programme of Action and, in this regard, welcomes the appointment of the new Special Rapporteur;

"40. *Reiterates its call* to all Member States, intergovernmental organizations and relevant organizations of the United Nations, as well as non-governmental organizations, to co-operate fully with the Special Rapporteur;

"41. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

"42. *Also requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media and to elicit responses from Governments with regard to allegations;

"43. *Commends* those States that have invited and received the Special Rapporteur so far, and requests all States to issue standing invitations to the Special Rapporteur to undertake visits to their countries in accordance with his mandate;

"44. *Urges* Member States to implement the recommendations contained in the reports of the Special Rapporteur;

"45. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the anti-discrimination unit;

"46. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"47. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial resources to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session;

"48. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session;

"49. *Decides* to remain seized of this important issue in its agenda for the fifty-eighth session under the sub-item entitled 'Comprehensive

implementation of and follow-up to the Durban Declaration and Programme of Action'."

13. At the 60th meeting, on 25 November, the Secretary read out a statement by the Director of the Programme Planning and Budget Division pertaining to the draft resolution (see A/C.3/57/SR.60).

14. At the same meeting, the representative of Venezuela, on behalf of the sponsors, introduced a revised text of the draft resolution, entitled "The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", which was circulated in an informal paper.

15. Also at the 60th meeting, the Committee adopted draft resolution A/C.3/57/L.34, as revised, by a recorded vote of 153 to 2, with 3 abstentions (see para. 18, draft resolution II). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, United States of America.

Abstaining:

Australia, Canada, Marshall Islands.

16. Before the draft resolution was adopted, statements were made by the representatives of Israel, South Africa, the United States of America, Denmark (on behalf of the States Members of the United Nations that are members of the

European Union), Canada and Australia; after it was adopted, the representative of Senegal made a statement (see A/C.3/57/SR.60).

C. Draft decision proposed by the Chairman

17. At its 60th meeting, on 25 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (A/57/443) (see para. 19).

III. Recommendations of the Third Committee

18. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
International Convention on the Elimination of All Forms of Racial Discrimination

The General Assembly,

Recalling its previous resolutions concerning the reports of the Committee on the Elimination of Racial Discrimination and its resolutions on the status of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] most recently its resolution 55/81 of 4 December 2000,

Bearing in mind the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[4] in particular section II.B of the Declaration, relating to equality, dignity and tolerance,

Reiterating the need to intensify the struggle to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance throughout the world,

Welcoming the affirmation that universal adherence to and full implementation of the Convention are of paramount importance for promoting equality and non-discrimination in the world, as stated in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[5]

Reiterating the importance of the Convention, which is one of the most widely accepted human rights instruments adopted under the auspices of the United Nations,

Mindful of the importance of the contributions of the Committee to the effective implementation of the Convention and to the efforts of the United Nations

[3] Resolution 2106 A (XX), annex.
[4] A/CONF.157/24 (Part I), chap. III.
[5] See A/CONF.189/12, chap. I.

to combat racism, racial discrimination, xenophobia and related intolerance, as well as all other forms of discrimination based on race, colour, descent or national or ethnic origin,

Noting that the reports submitted by States parties under the Convention contain, inter alia, information about the causes of, as well as measures to combat, contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Emphasizing the obligation of all States parties to the Convention to take legislative, judicial and other measures in order to secure full implementation of the provisions of the Convention,

Recalling its resolution 47/111 of 16 December 1992, in which it welcomed the decision, taken on 15 January 1992 by the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination,[6] to amend paragraph 6 of article 8 of the Convention and to add a new paragraph, as paragraph 7 of article 8, with a view to providing for the financing of the Committee from the regular budget of the United Nations, and reiterating its deep concern that the amendment to the Convention has not yet entered into force,

Stressing the importance of enabling the Committee to function smoothly and to have all necessary facilities for the effective performance of its functions under the Convention,

I. Reports of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the reports of the Committee on the Elimination of Racial Discrimination on its fifty-eighth and fifty-ninth[7] and its sixtieth and sixty-first[8] sessions;

2. *Commends* the Committee for its continuing efforts to contribute to the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination,[3] especially the examination of reports under article 9 and action on communications under article 14 of the Convention, which contribute to the fight against racism, racial discrimination, xenophobia and related intolerance;

3. *Calls upon* States parties to fulfil their obligation, under article 9, paragraph 1, of the Convention, to submit their periodic reports on measures taken to implement the Convention in due time;

4. *Expresses its concern* about the fact that a great number of reports are overdue and continue to be overdue, in particular initial reports, which constitutes an obstacle to the full implementation of the Convention;

5. *Encourages* States parties to the Convention whose reports are seriously overdue to avail themselves of the advisory services and technical assistance that the

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[6] See CERD/SP/45, annex.

[7] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 18* and corrigendum (A/56/18 and Corr.1).

[8] Ibid., *Fifty-seventh Session, Supplement No. 18* (A/57/18).

Office of the United Nations High Commissioner for Human Rights can provide, upon their request, for the preparation of the reports;

6. *Commends* the Committee for its continuing contribution to the prevention of racism, racial discrimination, xenophobia and related intolerance, and welcomes its relevant action thereon;

7. *Encourages* the Committee to continue to contribute fully to the implementation of the Third Decade to Combat Racism and Racial Discrimination and its revised Programme of Action,[9] including by continuing to co-operate and exchange information with United Nations bodies and mechanisms and intergovernmental organizations, in particular with the Subcommission on the Promotion and Protection of Human Rights and with the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as with non-governmental organizations;

8. *Encourages* States parties to continue to include a gender perspective in their reports to the Committee, and invites the Committee to take into account a gender perspective in the implementation of its mandate;

9. *Expresses its appreciation* to the Committee for its valuable participation in and contributions to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including its preparatory process;

10. *Invites* the Committee to consider the relevant provisions of the Durban Declaration and Programme of Action[5] in the discharge of its mandate;

II. Financial situation of the Committee on the Elimination of Racial Discrimination

1. *Takes note* of the report of the Secretary-General on the financial situation of the Committee on the Elimination of Racial Discrimination;[10]

2. *Expresses its profound* concern about the fact that a number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination[3] have still not fulfilled their financial obligations, as shown in the report of the Secretary-General, and strongly appeals to all States parties that are in arrears to fulfil their outstanding financial obligations under article 8, paragraph 6, of the Convention;

3. *Strongly urges* States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment, as decided upon at the Fourteenth Meeting of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination on 15 January 1992,[6] endorsed by the General Assembly in its resolution 47/111 and further reiterated at the Sixteenth Meeting of States Parties on 16 January 1996;

4. *Requests* the Secretary-General to continue to ensure adequate financial arrangements and to provide the necessary support, including an adequate level of

[9] Resolution 49/146, annex.

[10] A/57/333.

Secretariat assistance, to ensure the functioning of the Committee and to enable it to cope with its increasing amount of work;

5. *Also requests* the Secretary-General to invite those States parties to the Convention that are in arrears to pay the amounts in arrears, and to report thereon to the General Assembly at its fifty-ninth session;

III. Status of the International Convention on the Elimination of All Forms of Racial Discrimination

1. *Takes note* of the report of the Secretary-General[11] on the status of the International Convention on the Elimination of All Forms of Racial Discrimination;

2. *Expresses its satisfaction* at the number of States that have ratified the Convention or acceded thereto, which now stands at one hundred and sixty-five;

3. *Reaffirms once again its conviction* that ratification of or accession to the Convention on a universal basis and the implementation of its provisions are necessary for the realization of the objectives of the Third Decade to Combat Racism and Racial Discrimination and for the implementation of the commitments undertaken under the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

4. *Urges* all States that have not yet become parties to the Convention to ratify it or accede to it as a matter of urgency, with a view to universal ratification by 2005;

5. *Urges* States to limit the extent of any reservation they lodge to the Convention and to formulate any reservation as precisely and as narrowly as possible so as to ensure that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international treaty law, to review their reservations on a regular basis with a view to withdrawing them, and to withdraw reservations that are contrary to the object and purpose of the Convention or that are otherwise incompatible with international treaty law;

6. *Requests* the States parties to the Convention that have not yet done so to consider making the declaration provided for in article 14 of the Convention;

7. *Decides* to consider, at its fifty-ninth session, under the item entitled "Elimination of racism and racial discrimination", the reports of the Committee on the Elimination of Racial Discrimination on its sixty-second and sixty-third and its sixty-fourth and sixty-fifth sessions, the report of the Secretary-General on the financial situation of the Committee and the report of the Secretary-General on the status of the Convention.

[11] A/57/334.

Draft resolution II
The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, by which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and all other resolutions on this matter,

Recalling also its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action,[12] adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Recalling further its resolutions 56/265 and 56/267 of 27 March 2002, on the Third Decade to Combat Racism and Racial Discrimination and on measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance,

Stressing that the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[13] attaches importance to the elimination of racism, racial discrimination, xenophobia and other forms of intolerance,

Convinced that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance made an important contribution to the goal of eradicating racism, racial discrimination, xenophobia and related intolerance and that the results of the Conference have to be fully implemented without delay through effective action,

Recognizing that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political and other opinion, social origin, property, birth or other status,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Welcoming the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial

[12] See A/CONF.189/12, chap. I.
[13] A/CONF.157/24 (Part I), chap. III.

Discrimination and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[14]

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[15]

Reiterating that all human beings are born free, equal in dignity and rights, and have the potential to contribute constructively to the development and well-being of their societies and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Reaffirming its firm determination and its commitment to eradicate totally and unconditionally racism and racial discrimination and its conviction that racism and racial discrimination constitute a negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[16]

Reaffirming also its commitment to a global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance,

Stressing the need for maintaining political will and momentum at the national, regional and international levels to combat racism, racial discrimination, xenophobia and related intolerance, taking into account commitments undertaken under the Durban Declaration and Programme of Action, and recalling the importance of enhancing national action and international cooperation to this end,

Recognizing that the successful implementation of the Programme of Action requires political will, international cooperation and adequate funding at the national, regional and international levels,

Deeply concerned that, despite continuing efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence persist and even grow in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Alarmed, in particular, at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Reaffirming that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[17] are of paramount importance for the promotion of equality and non-discrimination in the world,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in

[14] A/57/83.

[15] A/57/204.

[16] Resolution 217 A (III).

[17] Resolution 2106 A (XX), annex.

weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations,

Emphasizing that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices which in turn generate more poverty,

Recalling the adoption by the General Assembly at its forty-fifth session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[18]

Conscious of the fact that the history of humanity is replete with major atrocities as a result of gross violations of human rights, and believing that lessons can be learned from history to avert future tragedies,

Welcoming United Nations Educational, Scientific and Cultural Organization resolution 31C/28 of 2 November 2001, on the proclamation of 2004 as International Year to Commemorate the Struggle against Slavery and its Abolition,[19] and in this context noting the Organization's slave route project,

Deeply concerned about the misuse, by those advocating racism and racial discrimination, of new communications technologies, including the Internet, to disseminate their repugnant views,

Noting that the use of such technologies can also contribute to combating racism, racial discrimination, xenophobia and related intolerance,

I. Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Affirms* that racism, racial discrimination, xenophobia and related intolerance, where they are tantamount to racism and racial discrimination, constitute serious violations of and obstacles to the full enjoyment of all human rights;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in

[18] Resolution 45/158, annex.

[19] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October to 3 November 2001*, vol. 1: *Resolutions*.

purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Urges* States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

6. *Urges* all States to review and, where necessary, revise, their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

7. *Condemns* the misuse of print, audio-visual and electronic media and new communications technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments they have undertaken under the Durban Declaration and Programme of Action,[12] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

8. *Condemns* political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance as incompatible with democracy and transparent and accountable governance;

9. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, peoples and countries;

10. *Urges* States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II. International Convention on the Elimination of All Forms of Racial Discrimination

11. *Urges* States that have not yet done so to consider ratifying or acceding to the international human rights instruments that combat racism, racial discrimination, xenophobia and related intolerance, in particular to accede to the International Convention on the Elimination of All Forms of Racial Discrimination[17] as a matter of urgency, with a view to achieving universal ratification by 2005, and to consider making the declaration envisaged under article 14 thereof, to comply with their reporting obligations, to publish and act upon the concluding observations of the Committee on the Elimination of Racial Discrimination, to withdraw reservations contrary to the object and purpose of the Convention and to consider withdrawing other reservations;

12. *Invites* States parties to ratify the amendment to article 8 of the Convention, on the financing of the Committee on the Elimination of Racial

Discrimination, and calls for adequate additional resources from the United Nations regular budget to enable the Committee to discharge its mandate fully;

13. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

14. *Notes* that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 concerning article 4 of the Convention,[20] holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

15. *Welcomes* general recommendation XXVIII, adopted on 19 March 2002 by the Committee on the Elimination of Racial Discrimination,[21] emphasizing the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and recommending measures to strengthen the implementation of the Convention as well as the functioning of the Committee;

III. Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

16. *Emphasizes* that the basic responsibility for the effective combating of racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action; [12]

17. *Emphasizes also*, in that context, the fundamental and complementary role of the national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

18. *Calls upon* States to elaborate action plans, in consultation with national human rights institutions, other institutions created by law to combat racism, and civil society, and to provide the United Nations High Commissioner for Human Rights with such action plans and other relevant materials on measures taken to implement the provisions of the Durban Declaration and Programme of Action;

19. *Calls upon* all States to formulate and implement without delay at the national, regional and international levels policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

20. *Urges* States to support the activities of regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance where they exist in their region, and recommends the establishment of such bodies or centres in all regions where they do not exist;

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[20] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), chap. VIII, sect. B.

[21] Ibid., *Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

21. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, taking measures and action against such forms of discrimination and through follow-up implementation;

22. *Emphasizes* that, in accordance with the Durban Declaration and Programme of Action, States have a shared responsibility, at the international level and within the framework of the United Nations system, to determine modalities for the overall review of the implementation of the Declaration and Programme of Action;

23. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and resolution 50/227 of 24 May 1996, and the Commission on Human Rights shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

24. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set in all the major United Nations conferences, summits and special sessions;

25. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with those of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

26. *Decides* that the Economic and Social Council should oversee system-wide coordination in the implementation of the Durban Declaration and Programme of Action;

27. *Decides* that the Commission on Human Rights, as a functional commission of the Economic and Social Council, shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the Council thereon;

28. *Reiterates its request* to the Secretary-General, in accordance with the Durban Declaration and Programme of Action, to appoint five independent eminent experts, one from each region, from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow up the implementation of the provisions of the Declaration and Programme of Action;

29. *Welcomes* the establishment within the Office of the United Nations High Commissioner for Human Rights of an anti-discrimination unit to combat racism, racial discrimination, xenophobia and related intolerance and to promote equality and non-discrimination;

30. *Calls* for the Office of the United Nations High Commissioner for Human Rights, in particular the anti-discrimination unit, Member States and all

other relevant stakeholders to work closely together regarding activities aimed at the effective implementation of the Durban Declaration and Programme of Action;

31. *Stresses* the need to ensure adequate financial and human resources, including through the regular budget of the United Nations, for the Office of the High Commissioner for Human Rights to carry out its responsibilities efficiently in the implementation of the Durban Declaration and Programme of Action;

32. *Invites* all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and invites specialized agencies and related organizations of the United Nations system to strengthen and adjust, within their respective mandates, their activities, programmes and medium-term strategies to take into account the follow-up to the Conference;

33. *Requests* the Secretary-General, the Economic and Social Council, the Commission on Human Rights and other relevant organs and bodies of the United Nations system to continue the fight against racism, racial discrimination, xenophobia and related intolerance, taking into account the relevant recommendations contained in the Durban Declaration and Programme of Action, and to reflect progress in this regard in their reports;

34. *Invites* all human rights treaty-monitoring bodies and all mechanisms and subsidiary bodies of the Commission on Human Rights to consider the relevant provisions of the Durban Declaration and Programme of Action in the discharge of their respective mandates;

35. *Encourages* the United Nations High Commissioner for Human Rights to continue and expand the appointment and designation of goodwill ambassadors in all countries of the world in order, inter alia, to promote respect for human rights and a culture of tolerance and to increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance;

36. *Reconfirms* the views of the World Conference on Human Rights, held at Vienna in 1993, on the urgency of eliminating denials and violations of human rights;

37. *Takes note* of Commission on Human Rights resolution 2002/68 of 25 April 2002,[22] and Economic and Social Council resolution 2002/270 of 25 July 2002;

38. *Decides* to proclaim 2004 the International Year to Commemorate the Struggle against Slavery and its Abolition;

IV. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

39. *Recalling* its proclamation, in resolution 48/91 of 20 December 1993, of the Third Decade to Combat Racism and Racial Discrimination, which began in 1993 and will end in 2003;

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[22] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

40. *Notes with great concern* that, despite the many efforts of the international community, the objectives of the Programme of Action for the Third Decade have largely not been achieved, welcomes, therefore, the adoption of the Durban Declaration and Programme of Action,[12] and calls for its full implementation at the national, regional and international levels;

41. *Requests* the Secretary-General to prepare, through the Office of the United Nations High Commissioner for Human Rights, an analytical report on the extent of implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, to be submitted to the General Assembly at its fifty-eighth session and to the Commission on Human Rights at its fifty-ninth session;

V. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

42. *Takes note* of the report of the former Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[15] and expresses its full appreciation for his work;

43. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

44. *Reiterates* its call to all Member States, intergovernmental organizations, relevant organizations of the United Nations and non-governmental organizations to cooperate fully with the Special Rapporteur;

45. *Recognizes with deep concern* the increase in anti-Semitism and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas against Jewish, Muslim and Arab communities;

46. *Requests* the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to further enhance their effectiveness and mutual cooperation;

47. *Also requests* the Special Rapporteur to collect information from all concerned, to respond effectively to reliable information that becomes available to him, to follow up on communications and country visits, and to seek the views and comments of Governments and reflect them, as appropriate, in his reports;

48. *Calls upon* States to cooperate with the Special Rapporteur and to give serious consideration to his request to visit their countries so as to enable him to fulfil his mandate fully and effectively;

49. *Urges* Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur;

50. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the newly formed Anti-Discrimination Unit;

51. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

52. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its fifty-eighth session;

53. *Also requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-eighth session;

54. *Decides* to continue the consideration of this matter at its fifty-eighth session under the sub-item entitled "Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action".

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19. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The General Assembly takes note of the report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of and follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.[23]

[23] A/57/443.